

Applicants : Nigel Paul Maynard *et al.*
Serial No. : 10/580,160
Filed : May 19, 2006
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Attorney Docket No.: 65501-003US1
Client Ref. No.: SHR 504620USPR

REMARKS

On February 17, 2009, Applicants filed a reply to the non-final office action of October 16, 2008. Applicants submit herewith this supplement to correct an obvious error in claims 5-7. More specifically, Applicants have incorporated in the claims the term “**above atmospheric**,” which was inadvertently omitted. The claim list provided in this document reflects both the present amendments to claims 5-7 and the claim amendments submitted in the reply filed February 17, 2009. Further, Applicants have amended the specification to correct the same error mentioned above and also a typographical error.

As set forth in MPEP § 2163.07, “[a]n amendment to correct an obvious error does not constitute new matter where one skilled in the art would not only recognize the existence of error in the specification, but also the appropriate correction. *In re Odd*, 443 F.2d 1200, 170 USPQ 268 (CCPA 1971).”

Applicants present below reasons that a skilled person in the art would recognize that the omission of “above atmospheric” from previously presented claims 5-7 and from the specification is an obvious error.

Claim 4, from which claims 5-7 depend, includes a limitation “wherein the pressure in the constrained environment is **above atmospheric**,” i.e., **above 14.69** pounds per square inch (psi). This limitation is incorporated into claims 5-7 due to their dependency from claim 4. However, previously presented claims 5-7 recite a pressure range of 0.5-40 psi, 3-30 psi, or 6-25 psi, a subset of which (i.e., 0.5-14.69 psi, 3-14.69 psi, or 6-14.69 psi) is NOT above atmospheric. In view of this inconsistency, a skilled person in the art would readily realize that the recited pressure values should be values **above atmospheric**; otherwise, the dependency of these claims from claim 4 would be improper. That is to say, he or she would know that the limitation “**above atmospheric**” was inadvertently omitted from these claims.

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Applicants now turn to a teaching in the specification at page 10, lines 28-33:

“Where the pressure of the constrained environment is **above atmospheric**, it should be appreciated that the boiling point of water will be elevated. In such conditions temperatures may well exceed 100°C without any water boiling. For example, at a pressure of approximately **24 psi** the boiling point of water will be approximately **130°C**, and at approximately **6.1 psi**, the boiling point of water will be approximately **110°C**,” emphases added.

The passage quoted above teaches that when a pressure is above atmospheric, the corresponding water boiling point exceeds 100°C. It provides two examples: at a pressure value of **24 psi**, the water boiling point is **130°C** and at a pressure value of **6.1 psi**, the water boiling point is **110°C**. Note that it is well known in the art that the water boiling point of **130°C** or **110°C** corresponds to the pressure value of 38 psi or 20 psi, which is close to **24 psi above atmospheric** (i.e., **24 + 14.69 psi**) or **6.1 psi above atmospheric** (**6.1 + 14.69 psi**). See Exhibit A.¹ Given this information, a skilled artisan would understand that the pressure values mentioned in the above quoted passage, i.e., **24 psi** and **6.1 psi**, actually refer to **above-atmospheric** pressure values. In other words, he or she would know that the term “**above atmospheric**” was omitted from this passage.

In view of the above remarks, Applicants respectfully submit that a skilled person in the art would readily know that the pressure values recited in claims 5-7 and in the specification should be pressure values **above atmospheric** and that omission of the term “**above atmospheric**” is an obvious error. Applicants have now amended these claims and the specification to add this term, which is clearly an appropriate correction appreciable by any skilled artisan. Pursuant to the MPEP guideline quoted above, this amendment, aiming at correcting an obvious error, does not constitute new matter.

¹ If 24 psi and 6.1 psi mentioned in this passage refer to absolute pressure values, then their corresponding water boiling points are 114°C and 76.7°C, respectively, which are much lower than 130°C and 110°C disclosed in this passage.

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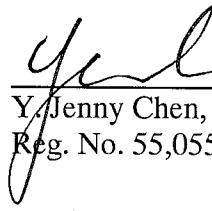
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CONCLUSION

The Petition for Extension of Time fee in the amount of \$490 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 50-4189, referencing Attorney Docket No. 65501-003US1.

Respectfully submitted,

Date: 4/14/09



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EXHIBIT A

Pressure		Boiling Point	
psi	bar	deg F	deg C
0.5	0.03	79.6	26.4
1	0.07	102	38.7
2	0.14	126	52.2
3	0.21	141	60.8
4	0.28	153	67.2
5	0.34	162	72.3
6	0.41	170	76.7
7	0.48	177	80.4
8	0.55	183	83.8
9	0.62	188	86.8
10	0.69	193	89.6
11	0.76	198	92.1
12	0.83	202	94.4
13	0.90	206	96.6
14	0.97	210	98.7
14.69	1.0	212	100
15	1.0	213	101
16	1.1	216	102
17	1.2	219	104
18	1.2	222	106
19	1.3	225	107
20	1.4	228	109
22	1.5	233	112
24	1.7	238	114
26	1.8	242	117
28	1.9	246	119
30	2.1	250	121
32	2.2	254	123
34	2.3	258	125
36	2.5	261	127
38	2.6	264	129
40	2.8	267	131
42	2.9	270	132
44	3.0	273	134
46	3.2	276	135
48	3.3	279	137

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Pressure		Boiling Point	
psi	bar	deg F	deg C
50	3.4	281	138
52	3.6	284	140
54	3.7	286	141
56	3.9	288	142
58	4.0	291	144
60	4.1	293	145
62	4.3	295	146
64	4.4	297	147